

### **REMARKS**

This Amendment is responsive to the Examiner's Office Action of February 8, 2005. In such Action, claim 11 was rejected under 35 U.S.C. 112, second paragraph. Claims 1, 7, 10-13, 15-18, 21, 22, 25-26 and 32-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,256,663 to Davis (hereinafter "Davis"). Claims 5 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis and in view of U.S. Publication No. 2002/0002482 to Thomas (hereinafter "Thomas"). Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis. Applicant respectfully traverses the Examiner's rejection of the claims and offers the foregoing amendments and following remarks in support thereof.

Claims 1, 5, 7, 10, 12-18, 21, 22, 24, 25 and 33-35 have been amended. Claims 40 and 41 have been added. Claims 2-4, 6, 8, 9, 11, 19, 20, 23 and 27-31 have been canceled without prejudice by this amendment or previous amendment. No new matter has been inserted. Claims 1, 5, 7, 10, 12-18, 21, 22, 24-26 and 32-41 remain pending in the application. Applicant respectfully requests reconsideration of the Examiner's rejections.

Claim 11 has been cancelled thus overcoming the Examiner's section 112 rejection.

Davis fails to disclose conducting a live study over a distributed network which includes live video and audio between the moderator and participants. Davis is not used to provide audio/visual real time communication between respondents and a moderator who may be in a different geographical city from each of the respondents as achieved by Applicant's claimed system and method. Davis does not record or display to the moderator live images of the respondents or in fact any image of the respondents. The moderator in Davis also does not orally or visually communicate with the respondents over a distributed network. Nor does Davis provide for real time audio and visual two way communication between the respondent(s) and a moderator over a distributed network.

Davis merely provides chat text messages. Passing references to a camera, microphone or keyboard all relate to the stimuli that may be shown to the participants or respondents in a passive non-interactive manner. Though Davis allows the respondents

In re Application of: Frengut, Renee  
Serial No. 09/883,590  
Reply to Office action of May 4, 2004

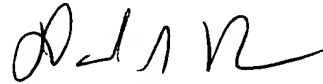
and moderator to be in different geographic locations, it does not teach or disclose of a real time live study with live images of the moderator and respondents.

For the foregoing reasons, Applicant respectfully requests that the Examiner's rejections be withdrawn and all claims in the subject application be permitted to proceed to allowance.

Applicant has completely responded to the Office Action dated February 8, 2005. Favorable action is respectfully requested.

Any additional charges, including Extensions of Time, please bill our Deposit Account No. 503180.

Respectfully submitted,



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**CUSTOMER NUMBER 44538**

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